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11-16-2009

# REINSTATES RIGHT OF SAME-SEX COUPLES TO MARRY. INITIATIVE CONSTITUTIONAL AMENDMENT

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REINSTATES RIGHT OF SAME-SEX COUPLES TO MARRY. INITIATIVE CONSTITUTIONAL AMENDMENT California Initiative 1387 (2009).

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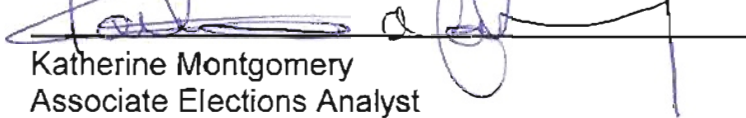
**DEBRA BOWEN** | SECRETARY OF STATE  
STATE OF CALIFORNIA | ELECTIONS

1500 11th Street, 5th Floor | Sacramento, CA 95814 | Tel (916) 657-2166 | Fax (916) 653-3214 | www.sos.ca.gov

April 30, 2010

County Clerk/Registrar of Voters (CC/ROV) Memorandum #10136

TO: All County Clerks/Registrars of Voters and Proponents

FROM:   
Katherine Montgomery  
Associate Elections Analyst

RE: Initiative: Failure of #1387, Related to Marriage

Pursuant to Elections Code section 9030(b), you are hereby notified that the total number of signatures for the hereinafter named initiative constitutional amendment filed with all county elections officials is less than 100 percent of the number of qualified voters required to find the petition sufficient; therefore, the petition has **failed**.

TITLE: REINSTATES RIGHT OF SAME-SEX COUPLES TO  
MARRY. INITIATIVE CONSTITUTIONAL AMENDMENT.

SUMMARY DATE: November 16, 2009

PROPONENTS: John Henning, Jordan Krueger, Raphael Farrow, Andrew Klayman, Jo Hoenninger, Peter Nguyen, Thomas Watson, Edwin Rivera, Angie-Marie Hancock, and Fredy Ceja



**DEBRA BOWEN | SECRETARY OF STATE**  
**STATE OF CALIFORNIA | ELECTIONS**

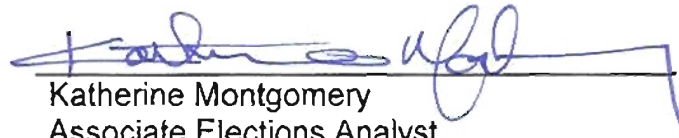
1500 11th Street, 5th Floor | Sacramento, CA 95814 | Tel (916) 657-2166 | Fax (916) 653-3214 | [www.sos.ca.gov](http://www.sos.ca.gov)

November 16, 2009

County Clerk/Registrar of Voters (CC/ROV) Memorandum #09179

TO: All County Clerks/Registrars of Voters and Proponents

FROM:

  
Katherine Montgomery  
Associate Elections Analyst

RE: Initiative: 1387, Related to Marriage

Pursuant to Elections Code section 336, we transmit herewith a copy of the Title and Summary prepared by the Attorney General on a proposed initiative measure entitled:

**REINSTATES RIGHT OF SAME-SEX COUPLES TO MARRY.  
INITIATIVE CONSTITUTIONAL AMENDMENT.**

The proponents of the above-named measure are:

John Henning  
Raphael Farrow  
Jo Hoenninger  
Thomas Watson  
Angie-Marie Hancock

Jordan Krueger  
Andrew Klayman  
Peter Nguyen  
Edwin Rivera  
Fredy Ceja

P.O. Box 1301  
Studio City, CA 91614

#1387

**REINSTATES RIGHT OF SAME-SEX COUPLES TO MARRY.  
INITIATIVE CONSTITUTIONAL AMENDMENT.**

**CIRCULATING AND FILING SCHEDULE**

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1. Minimum number of signatures required: .....694,354  
California Constitution, Article II, Section 8(b)
2. Official Summary Date: .....Friday, 11/13/09
3. Petitions Sections:
  - a. First day Proponent can circulate Sections for  
signatures (Elec. Code § 336) ..... Friday, 11/13/09
  - b. Last day Proponent can circulate and file with the county.  
All sections are to be filed at the same time within each  
county. (Elec. Codes §§ 336, 9030(a)) .....Monday, 04/12/10
  - c. Last day for county to determine total number of  
signatures affixed to petitions and to transmit total  
to the Secretary of State (Elec. Code § 9030(b)) .....Thursday, 04/22/10  
  
(If the Proponent files the petition with the county on a date prior to  
04/12/10, the county has eight working days from the filing of the petition  
to determine the total number of signatures affixed to the petition and to  
transmit the total to the Secretary of State) (Elec. Code § 9030(b)).
  - d. Secretary of State determines whether the total number  
of signatures filed with all county clerks/registrars of  
voters meets the minimum number of required signatures  
and notifies the counties.....Saturday, 05/01/10\*
  - e. Last day for county to determine total number of qualified  
voters who signed the petition, and to transmit certificate  
with a blank copy of the petition to the Secretary of State  
(Elec. Code § 9030(d)(e)) .....Monday, 06/14/10

\* Date varies based on the date of county receipt.

**INITIATIVE #1387**

**Circulating and Filing Schedule continued:**

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(If the Secretary of State notifies the county to determine the number of qualified voters who signed the petition on a date other than 05/01/10, the last day is no later than the thirtieth working day after the county's receipt of notification). (Elec. Code § 9030(d)(e)).

- f. If the signature count is more than 763,790 or less than 659,637 then the Secretary of State certifies the petition as qualified or failed, and notifies the counties. If the signature count is between 659,637 and 763,790 inclusive, then the Secretary of State notifies the counties using the random sampling technique to determine the validity of **all** signatures (Elec. Code §§ 9030(f)(g), 9031(a)) .....Thursday, 06/24/10\*

- g. Last day for county to determine actual number of all qualified voters who signed the petition, and to transmit certificate with a blank copy of the petition to the Secretary of State. (Elec. Code § 9031(b)(c)). ..... Thursday, 08/05/10

(If the Secretary of State notifies the county to determine the number of qualified voters who have signed the petition on a date other than 06/24/10, the last day is no later than the thirtieth working day after the county's receipt of notification.) (Elec. Code § 9031(b)(c).)

- h. Secretary of State certifies whether the petition has been signed by the number of qualified voters required to declare the petition sufficient (Elec. Code §§ 9031(d), 9033).....Monday, 08/09/10\*

\*Date varies based on the date of county receipt.

## IMPORTANT POINTS

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- California law prohibits the use of signatures, names and addresses gathered on initiative petitions for any purpose other than to qualify the initiative measure for the ballot. This means that the petitions cannot be used to create or add to mailing lists or similar lists for any purpose, including fundraising or requests for support. Any such misuses constitutes a crime under California law. Elections Code section 18650; *Bilofsky v. Deukmejian* (1981) 124 Cal.App.3d 825, 177 Cal.Rptr. 621; 63 Ops.Cal.Atty.Gen. 37 (1980).
- Please refer to Elections Code sections 100, 101, 104, 9001, 9008, 9009, 9021, and 9022 for appropriate format and type consideration in printing, typing and otherwise preparing your initiative petition for circulation and signatures. Please send a copy of the petition after you have it printed. This copy is not for our review or approval, but to supplement our file.
- Your attention is directed to the campaign disclosure requirements of the **Political Reform Act of 1974**, Government Code section 81000 et seq.
- When writing or calling state or county elections officials, provide the official title of the initiative which was prepared by the Attorney General. Use of this title will assist elections officials in referencing the proper file.
- When a petition is presented to the county elections official for filing by someone other than the proponent, the required authorization shall include the name or names of the persons filing the petition.
- When filing the petition with the county elections official, please provide a blank petition for elections official use.

EDMUND G. BROWN JR.  
Attorney General

State of California  
DEPARTMENT OF JUSTICE



1300 I STREET, SUITE 125  
P.O. BOX 944255  
SACRAMENTO, CA 94244-2550

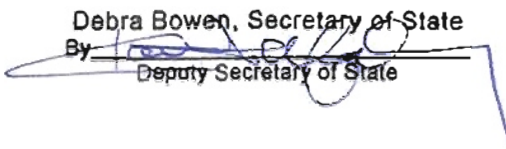
Public: (916) 445-9555  
Telephone: (916) 445-4752  
Facsimile: (916) 324-8835  
E-Mail: Krystal.Paris@doj.ca.gov

November 13, 2009

**FILED**  
In the office of the Secretary of State  
of the State of California

NOV 16 2009

Honorable Debra Bowen  
Secretary of State of the State of California  
State of California Elections  
1500 11th Street, 5th Floor  
Sacramento, CA 95814

Debra Bowen, Secretary of State  
By   
Deputy Secretary of State

Attention: Ms. Katherine Montgomery  
Associate Elections Analyst

Initiatives: 09-0036, Re: Marriage Equality [V-1.]; 09-0039, Re: Marriage Equality [V-2.]; 09-0040, Re: Marriage Equality [V-3.]; 09-0041, Re: Marriage Equality [V-4.]; 09-0042, Re: Marriage Equality [V-5.]

Dear Secretary Bowen:

Pursuant to Elections Code sections 9004 and 336, you are hereby notified that on this day we mailed our title and summary for each of the above-referenced initiatives to the proponents. A copy of the title and summary and text of each of the proposed measure is enclosed.

Please contact me if you have any questions.

Sincerely,

  
KRYSTAL M. PARIS  
Initiative Coordinator

For EDMUND G. BROWN JR.  
Attorney General

Proponents:

John Henning  
Raphael Farrow  
Jo Hoenninger

Thomas Watson  
Angie-Marie Hancock  
Jordan Krueger  
Andrew Klayman

Peter Nguyen  
Edwin Rivera  
Fredy Ceja

Love Honor Cherish  
P.O. Box 1301  
Studio City, CA 91614

The Attorney General of California has prepared the following title and summary of the chief purpose and points of the proposed measure:

**REINSTATES RIGHT OF SAME-SEX COUPLES TO MARRY. INITIATIVE**

**CONSTITUTIONAL AMENDMENT.** Repeals the current provision in California's

Constitution that states only marriage between a man and a woman is valid or recognized in

California. Provides that marriage is between only two persons and shall not be restricted on the

basis of race, color, national origin, sex, gender, sexual orientation, or religion. Clarifies that the

initiative shall not be interpreted to require any clergy person to perform a marriage in violation

of his or her religious beliefs. Summary of estimate by Legislative Analyst and Director of

Finance of fiscal impact on state and local government: Over the long run, this measure would

likely have little fiscal impact on state and local governments. (09-0039.)



V.2

September 24, 2009

09 - 0039

VIA OVERNIGHT DELIVERY

Honorable Jerry Brown  
Attorney General  
State of California  
1300 "I" Street  
Sacramento, CA 95814  
ATTN: Krystal Paris, Initiative Coordinator

RECEIVED

SEP 25 2009

INITIATIVE COORDINATOR  
ATTORNEY GENERAL'S OFFICE

Re: Request for Title and Summary - Initiative Constitutional  
Amendment

Dear Attorney General Brown:

Pursuant to Article II, Section 10(d) of the California Constitution and Section 9002 of the Elections Code, we are submitting the attached proposed statewide ballot initiative measure to your office. We request that you prepare a title and summary of the measure as provided by law.

We have also included with this letter the following documents:

- (1) The required statement under California Elections Code section 9608, signed by each of the proponents;
- (2) A separate page containing, for each of the proponents, the address at which such proponent is registered to vote; and
- (3) A check in the amount of \$200.

Pursuant to your request, the proponents have selected one person among them as a contact person. Should you require any further information, please contact John Henning at Love Honor Cherish, P.O. Box 1301, Studio City, CA 91614, or at [john.henning@lovehonorcherish.org](mailto:john.henning@lovehonorcherish.org).

Attorney General Brown  
September 24, 2009  
Page 2

Thank you for your time and attention to this matter.

Sincerely,

Father Geoff Farrow

Jo Hoenninger

Thomas Watson

Ange-Marie Hancock

Jordan Krueger

John Henning

Andrew Klayman

Attorney General Brown  
September 24, 2009  
Page 3

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Peter Nguyen

---

Edwin Rivera

Attorney General Brown  
September 24, 2009  
Page 4

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Fredy Ceja

This amendment would amend an existing section of the California Constitution. Existing language proposed to be deleted is printed in ~~strikeout type~~. Language proposed to be added is printed in underlined type.

Section 1. To protect religious freedom, no court shall interpret this measure to require any clergy person authorized to perform marriages by any religious denomination, church, or other non-profit religious institution to perform any marriage in violation of his or her religious beliefs. The refusal to perform a marriage under this provision shall not be the basis for lawsuit or liability, and shall not affect the tax-exempt status of any religious denomination, church or other religious institution.

Section 2. To provide for fairness in the government's issuance of marriage licenses, Section 7.5 of Article I of the California Constitution is hereby amended to read as follows: Sec. 7.5. ~~Only marriage between a man and a woman is valid or recognized in California.~~ Marriage is between only two persons and shall not be restricted on the basis of race, color, national origin, sex, gender, sexual orientation, or religion.